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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. <u>93-56</u>
)	
C. DEVINE MEDIA, INC.)	File No. BRH-900604YE
)	
For Renewal of License of)	
Station KBER-FM,)	
Ogden, Utah)	
)	
STREET STRYDER)	File No. BRH-900601A3
)	
For Renewal of License of)	
Station KQOL-FM,)	
Spanish Fork, Utah)	

To: C. Devine Media, Inc., and
 Street Stryder

BILL OF PARTICULARS

Issues (a), (b) and (c) of the Commission's Hearing Designation Order and Notice of Forfeiture, FCC 93-135, released April 8, 1993, are based upon the following information and allegations:

1. On September 1, 1989, Albimar Utah Limited Partnership ("Albimar") filed an application with the Commission seeking consent to the assignment of KDAB-FM (now KBER-FM), Ogden, Utah, from Albimar to C. Devine Media, Inc. ("Devine"). The principals of Devine were the same as those of KBER, Inc., licensee of KBER-FM (now KQOL-FM). Spanish Fork, Utah. Because KDAB-FM and KBER-

principals from having an ownership interest in both stations, Devine represented to the Commission that its principals would divest their interest in KBER-FM, Spanish Fork, Utah, prior to closing on the KDAB-FM assignment.

2. On September 28, 1989, Devine filed an application seeking consent to the assignment of the license of KBER-FM, Spanish Fork, Utah, to Ironclad Radio, Inc. ("Ironclad"). On December 26, 1989, the proposed assignee of KBER-FM, Spanish Fork, Utah, was changed from Ironclad to Street Stryder ("Stryder").

3. On December 29, 1989, the assignments of both KBER-FM, Spanish Fork, Utah, and KDAB-FM, Ogden, Utah, were granted by the Commission. Both assignments were consummated on March 2, 1990. Effective March 20, 1990, the call letters of KDAB-FM were changed to KBER-FM by Devine. Stryder changed the call sign of KBER-FM to KQOL-FM, also effective March 20, 1990.

4. Stryder was not required to make any down payment or to provide any security toward the \$1 million purchase price of the Spanish Fork station. As of the release date of the Hearing Designation Order, supra, Stryder had not made any payment in connection with the acquisition. An amended agreement and promissory note relative to the purchase of the station, entered into after the Commission's inquiry in this case had begun,

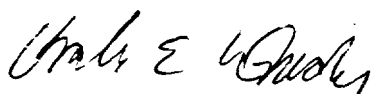
provide for the payment of an estimated forfeiture and of

5. When the assignment of then KBER-FM, Spanish Fork, Utah, was agreed to, Stryder and his wife, Patricia, were employees of the station. In October, 1989, Stryder and his wife quit KBER-FM, Spanish Fork, Utah, and moved to Pine City, New York. On December 22, 1989, Stryder signed a sales agreement for KBER-FM

proprietor, provides "management consulting" to KQOL-FM, Spanish Fork, Utah. The station's bank account is in the name of "Radio Management Services DBA KQOL Radio." All expenses for the station are paid using checks drawn from this account. Evans signs all checks, pays all bills and handles all collections. Stryder does not maintain a bank account for KQOL-FM. Evans hires, fires and supervises employees, although his management contract explicitly states that he will not have such authority. Stryder admits that he has delegated this authority to Evans. Stryder, who still lives in Pine City, New York, has only visited the station twice since he became the licensee of record. He receives monthly reports from Evans.

8. Devine and Stryder have provided false information to the Commission. This false information includes the representation that Devine divested control of the Spanish Fork, Utah, station and the representation that Stryder assumed control of the station when Devine and/or Evans are actually in de facto control.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau


By: Charles E. Dziedzic
Chief, Hearing Branch

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April 26, 1993

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 26th day of April, 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Bill of Particulars" to:

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